REMARKS

Entry of the above amendment is respectfully requested prior to examination on the merits and calculation of the fee.

The Office Action dated December 17, 2003, has been received and carefully noted. The above amendments and following remarks, are submitted as a full and complete response thereto.

By this Amendment, claims 2, 3, and 9-13 have been canceled. Claims 1, 4, 7, and 8 have been amended. The above amendments to the claims have been made to broaden the claims and place the application in better condition for examination purposes. No new matter has been added. Therefore, consideration of claims 1 and 4-8 is respectfully requested.

Claims 4-6 were objected to as being dependent upon a rejected base claim but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 4 has been rewritten in independent form. Claims 5 and 6 depend from claim 4.

Claims 1-3, 9 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yoshida et al. (U.S. Patent No. 5,873,630, "Yoshida"). Claims 2, 3, 9 and 10 have been canceled. The Applicants submit that claim 1 recites subject matter that is neither disclosed nor suggested by Yoshida.

Amended claim 1 recites, in part, "a reclining apparatus wherein the cam member has a pair of hook portions engaging with receiving portions respectively formed in the first and second slide gears, the receiving portion overlaps with a center line of the slide gear in an area inside both side surfaces of the slide gear, the hook

portion overlaps with the center line of the slide gear when the cam member drives the first and second slide gears to the lock canceling position."

In the invention, as recited claim 1, since the hook portions engage the receiving portions on the center line of the slide gear in the lock canceling operation, eccentricity of the force exerted from the cam member to the slide gear is inhibited, allows the lock canceling operation to operate smoothly.

In contrast, as clearly shown in Fig. 5A in Yoshida, the hook and the receiving portion are not positioned on the center line of the slide gear. As a result, eccentricity of the force exerted from the cam member to the slide gear is large, and the lock canceling operation cannot be smooth.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "Every element of the claimed invention must be arranged as in the claim . . . the identical invention, specifically, [t]he identical invention must be shown in as complete detail as contained in the claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). The Applicants respectfully submit that Yoshida does not disclose or suggest that a cam member has a pair of hook portions engaging with receiving portions respectively formed in the first and second slide gears, the receiving portion overlaps with a center line of the slide gear in an area inside both side surfaces of the slide gear, the hook portion overlaps with the center line of the slide

gear when the cam member drives the first and second slide gears to the lock canceling position, as arranged in the claim. Accordingly, Yoshida does not anticipate claim 1, or is claim 1 obvious in view of Yoshida.

Claims 7, 8, 11, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida in view of Baloche et al (U.S. Patent No. 5,984,413, "Baloche"). Claims 11-13 have been canceled. The Applicants submit that claims 7 and 8 recites subject matter that is neither disclosed nor suggested by Yoshida and Baloche.

Claims 7 recites, in part, "that a center of an engaging position between the first and second slide gears and the internal gear is arranged on a line perpendicularly crossing a line along a standard tilt angle of the seat back and passing through a center of rotation of the rotary plate." Effects and advantages of this feature are described from page 14 line 8, to page 16 line 11 of the specification and Figs. 22A and 22B.

According to the above feature, a load applied to the engaging position of the slide gear is the same between the front and rear positions. With the present invention as claimed in claim 7, a pair of slide gears and the parts relating to the respective guide portions and the like of the slide gears may be used under the same load condition, and it is possible to commonly use the parts. Furthermore, the load applied to the engaging position of the above feature is smaller than the load applied to the conventional upper engaging position of the prior art in which the slide gears are vertically arranged. Accordingly, it is possible to make the structure compact and light, and it is possible to improve the strength. Such specific features and advantages are not taught or

suggested by Baloche et al. (U.S. Patent No. 5,984,413) or Yoshida et al. (U.S. Patent No. 5,873,630).

Claim 8 recites, in part, that "each of the pair of holding members is provided close to one of the slide gears, and wherein at least a part of one of the holding members is located within a circumferential width of one of the first and second slide gears." The holding member provided in the fixed plate is provided close to each of the slide gears and at least one by one in each of the slide gears, and at least a part of the portion holding the rotary plate of the holding member is located within a range of a width extending in an engaging direction of the slide gear.

In accordance with the above features, since at least a part of the portion holding the rotary plate in the holding member is located within the range of the width extending in the engaging direction of the slide gear, the operation restricting the force for breaking away both of the plates is more effectively applied. These features, as claimed in claim 8, thus produce a sufficient engaging force between the slide gear and the internal gear to secure these components. Further, the claimed features make the apparatus compact and light and improve its strength.

In contrast, Yoshida teaches a pair of rivets 17d. However, as is clearly shown in Figs. 5A and 5B, the rivets 17d are not located within the range of the width extending in the engaging direction of the slide gears 12A and 12B.

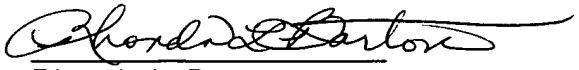
Accordingly, Yoshida fails to teach and suggest the above specific features and advantages.

Under U.S. patent practice, the PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the reference to do so. See also In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002). The Office Action restates the advantages of the present invention to justify the combination of references. There is, however, nothing in the applied references to evidence the desirability of these advantages in the disclosed structure.

Any fees that may be due with respect to this paper may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 108421-00029**.

Respectfully submitted,



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